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February 12, 2021

Via ECF

The Honorable Eric N. Vitaliano
United States District Court
Eastern District of New York
225 Cadman Plaza East.
Brooklyn, New York 11201

**RE: Sid Boys Corp. et al v. Cuomo et al
1:20-cv-06249-ENV-PK**

Dear Judge Vitaliano.:

Plaintiffs will withdraw their preliminary injunction motion that was scheduled to be heard on February 17, 2021, *without prejudice*. I apologize for any inconvenience to this Honorable Court.

My clients have confirmed that they have opened their restaurants today with no issue.

Plaintiffs will continue to pursue their civil action for declaratory judgment against Defendant Governor Andrew M. Cuomo.

Thank you for your time and consideration in this matter.

Respectfully yours,

/s/ James G. Mermigis

James G. Mermigis, Esq.